

Message Text

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ACTION SNM-05

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C O N F I D E N T I A L BOGOTA 3638

HEA HQS FOR ENOA

E.O. 11652: GDS
TAGS: SNAR, CO
SUBJECT: BILATERAL ACTION AGAINST MARIJUANA SHIPS

REF: (A) STATE 96460 (B) BOGOTA 3359 (C) BOGOTA 3360
(D) BOGOTA 1297

1. THE CASE OF THE JACQUELINE (REF A) AGAIN FOCUSES ATTENTION CLEARLY ON THE NECESSITY OF DEVELOPING IN COOPERATION WITH THE GOC AN EFFECTIVE AND PERMANENT SYSTEM FOR ACTING AGAINST THE TRANSPORTATION OF MULTI-TON QUANTITIES OF MARIJUANA BY SHIP. COLOMBIA IS NOW CONSIDERED THE MAJOR SOURCE OF MARIJUANA INTRODUCED INTO THE UNITED STATES. IT HAS CAPABILITY TO PRODUCE HUGE QUANTITIES OF HIGH GRADE MARIJUANA AND THE GUAJIRA PENINSULA IS IDEAL FOR LARGE SCALE TRAFFICKING OPERATIONS BECAUSE OF ITS PROXIMITY TO THE U.S., ITS SPARSE POPULATION, AND THE LIMITED GOVERNMENT PRESENCE. THE CIRCUMSTANCES ARE UNIQUE AND UNIQUE MEASURES WILL HAVE TO BE FOUND TO COUNTERACT THEM. THE MISSION AGAIN WISHES TO ADVOCATE JOINT TRAINING AND OPERATIONS BY THE U.S. COAST GUARD AND THE COLOMBIAN NAVY IN THIS FIELD.

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2. THE JACQUELINE WAS THE FIRST SHIP LEGALLY REGISTERED IN COLOMBIA WHICH THE U.S. COAST GUARD IN RECENT EXPERIENCE WISHED TO BOARD ON THE HIGH SEAS FOR SUSPECTED NARCOTICS TRAFFICKING. HOWEVER, OTHER SHIPS HAVE FREQUENTLY MADE CLAIM TO COLOMBIAN REGISTRY AND/OR HAVE BEEN MANNED BY COLOMBIAN CREWS. THE DIFFICULTIES AND DELAYS

INVOLVED IN ACTING AGAINST THE JACQUELINE DEMONSTRATE THE FUTILITY OF TRQNG TO HANDLE THE SITUATION ON AN AD HOC BASIS. THE LEGAL AND POLITICAL PROBLEMS ARE TOO COMPLEX AND THE BUREAUCRATIC INEFFICIENCY TOO GREAT.

3. IN THE CASE OF THE JACQUELINE, THE MISSION IMMEDIATELY DIRECTED A REQUEST FOR PERMISSION TO BOARD AND SEARCH TO THE MINISTRY OF FOREIGN AFFAIRS. WITHIN FORTY-FIVE MINUTES THE REPLY WAS RECEIVED THAT THE FOREIGN MINISTER COULD NOT SEE HIS WAY CLEAR TO AUTHORIZE THE ACTION (REF B). THE MISSION, HOWEVER, TURNED TO ATTORNEY GENERAL SERRANO, WHO HAS PROVEN HIMSELF AN ENTHUSIASTIC AND INNOVATIVE ALLY IN NARCOTICS MATTERS. WITHOUT THE MISSION'S IMMEDIATE ACCESS TO AND GOOD RELATIONS WITH THE AG, THE CASE WOULD HAVE DIED WITH THE FOREIGN MINISTER'S DECISION, WITH SERIOUS REPERCUSSIONS FOR USG-GOC COOPERATION BEYOND THE IMMEDIATE CASE. THE BEST SERRANO WAS ABLE TO WORK OUT, AND APPARENTLY AS FAR AS HE HIMSELF WAS WILLING TO GO, WAS TO AUTHORIZE THE STOPPING AND DETENTION OF THE VESSEL BY THE USCG UNTIL AUTHORITIES FROM THE AG'S OFFICE COULD ARRIVE ON THE SCENE TO CONDUCT THE SEARCH (REF C). THE DELAYS INVOLVED MAY WELL HAVE PERMITTED THE JACQUELINE TO JETTISON ITS CARGO OF MARIJUANA. EVEN AT THAT, THE AG'S FORCE DID NOT HAVE A WARRANT FOR SEARCH OF THE VESSEL, AND APPARENTLY SAW ITSELF FORCED TO RELY UPON THE CONSENT OF THE MASTER TO BOARD THE SHIP.
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4. IN REF D, THE MISSION POINTED OUT THE DESIRABILITY OF ACTING AGAINST SUSPECTED TRAFFICKING SHIPS WITHIN COLOMBIAN TERRITORIAL WATERS, AND ADVOCATED A JOINT USCG-COLOMBIAN NAVY TRAINING AND INTERDICTION PROGRAM. WHILE THIS WOULD BE MOST EFFECTIVE, THE MISSION UNDERSTANDS THAT LEGAL AND PRACTICAL CONSIDERATIONS ON THE US SIDE MAKE IT UNFEASIBLE. PRESUMABLY, THESE SAME U.S. CONSIDERATIONS WOULD NOT APPLY IF THE JOINT TRAINING AND INTERDICTION WERE CARRIED OUT ON THE HIGH SEAS CLOSER TO THE US, PARTICULARLY IN THE PASSAGE-WAYS WHERE OPERATION STOPGAP PROVED SO SUCCESSFUL. THE PRESENCE AND PARTICIPATION ON A CONTINUING BASIS OF COLOMBIAN NAVY PERSONNEL WOULD PROVIDE A POSITIVE BASIS FOR ALLAYING COLOMBIAN CONCERNS OVER THE LOSS OF SOVERIGNTY AND LEGAL COMPLICATIONS IN THE BOARDING AND SEARCH OF COLOMBIAN VESSELS IN INTERNATIONAL WATERS. THE SPECIFIC QUESTION OF WARRANTS THAT AROSE IN THE JACQUELINE CASE WOULD HAVE TO BE INVESTIGATED WITH THE GOC TO DETERMINE JUST WHAT AUTHORITY COLOMBIAN NAVY PERSONNEL WOULD HAVE TO BOARD COLOMBIAN REGISTERED VESSELS ON THE HIGH SEAS AND WHAT LEGAL REQUIREMENTS WOULD HAVE TO BE FULLFILLED.

5. THE MISSION REQUESTS THAT THE CONCEPTS IT PREVIOUSLY
ADVOCATED OF POSSIBLE JOINT CREWS AND JOINT OR SEPARATE
BOARDING AND SEARCH PARTIES BE AGAIN CONSIDERED IN THIS
NEW CONTEXT AND THAT THE MISSION BE AUTHORIZED TO
BEGIN EXPLORING THE POSSIBILITIES WITH THE GOC. PRE-
FERABLY THIS WOULD BEGIN WITH THE UPCOMING USCG
TEAM VISIT TO COLOMBIA. THE OBJECTIVE WOULD BE THE
EARLY IMPLEMENTATION OF AN INITIAL PROGRAM.
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